

MINUTES OF THE MEETING OF THE CITY COUNCIL

Friends University Casado Center
President's Dining Room
Wichita, Kansas, June 22, 2004
Tuesday, 9:40 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Cathy Holdeman, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

CONSENT AGENDA**BOARD OF BIDS****REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 21, 2004.**

Bids were opened May 18, 200, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Murdock Bridge over Little Arkansas River (on Murdock Street between Waco and Riverside Park) (87N-0304-01/472-83895/448-89900/715698/636126/244114/773522) Murdock Street will be closed to thru traffic during construction. (District VI)

Wildcat Construction - \$1,387,116.05

Water Main Replacement to serve the Morningside area (north of Kellogg, east of Oliver) (448-89831/634025/773196) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Mies Construction - \$539,579.00

Pave the east-west Alley between Martinson & Elizabeth, McCormick & Irving, from the west line of Martinson to 160 feet west of Martinson to serve John McCormick's Addition, Replat Part of John McCormick's Addition (west of Seneca, south of Lincoln) (472-83388/765687/490798) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

McFadden Construction - \$17,193.00

Sunset Park Tennis Courts (west of Keith, north of 17th Street North) (472-4035/785041/394173) Does not affect existing traffic. (District V)

Trans Texas Tennis, Inc. - \$83,929.18

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Reconstruction of West Learjet Way and the North Parallel Service Road (south of Kellogg, east of Tyler) (472-83845/706873/204339) Traffic to be maintained during construction using flagpersons and barricades. (District IV, V)

Cornejo & Sons Construction - \$357,925.00

Lateral 364 Four Mile Creek Sewer to serve Krug North Addition (north of 21st Street North, west of 143rd Street East) (468-83787/744050/480738) Does not affect existing traffic. (District II)

Mies Construction - \$37,000.00

Storm Water Sewer #582 to serve Copper Gate Estates Addition (south of 13th Street North, west of 135th Street West) (468-83560/751363/485254) Does not affect existing traffic. (District V)

Nowak Construction - \$84,880.00

Water Distribution System, Phase 8 to serve Fox Ridge Addition (north of 29th Street North, east of Maize) (448-89952/735194/470864) Does not affect existing traffic. (District V)

Nowak Construction - \$79,684.00

Lateral 370, Four Mile Creek Sewer to serve Reed's Cove 3rd Addition (south of 21st Street North, east of 127th Street East) (468-83815/744062/480750) Does not affect existing traffic. (District II)

Nowak Construction - \$208,990.13

Water Distribution System to serve Steve Kelley 5th Addition (south of 13th Street North, west of Hoover) (448-89945/735192/470862) Does not affect existing traffic. (District VI)

Padgett Excavation - \$28,670.00

Hardtner from the west line of 135th Street West, west to the north line of Aksarben; Hardtner Court (Lots 4 through 16, Block B) from the north line of Hardtner north to and including the cul-de-sac; Hardtner Court (Lots 17 through 24, Block B) from the north line of Hardtner north to and including the cul-de-sac; Sidewalk along one side of Hardtner to serve Highland Springs 3rd Addition (south of Central, west of 135th Street West) (472-83778/765854/490965) Does not affect existing traffic. (District V)

APAC – Kansas Inc. - \$178,793.85

Castle Rock from the south line of the plat to the north line of Lot 4, Block C; Peppertree from the west line of Castle Rock west to the east line of Burning Tree; Burning Tree from the south line of Peppertree to the north line of Lot 16, Block A; 22nd Street North from the west line of Castle Rock to the east line of Burning Tree; Castle Rock Court from the east line of Castle Rock east to and including the cul-de-sac; Sidewalk along one side of Castle Rock, Peppertree, Burning Tree and 22nd Street North to serve Krug North Addition (north of 21st Street North, west of 143rd Street East) (472-83973/765866/490977) Does not affect existing traffic. (District II)

APAC – Kansas Inc. - \$277,131.75

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2004-2004 Signalization Program, Phase 1: Install Signalized Crosswalks for Jackson Elementary School and Linwood Elementary School (Woodlawn, south of Pepperwood; Hydraulic, south of Harry) (472-83991/706911/204377) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Phillips Southern Electric - \$64,650.00

127th Street East from the north line of Pawnee to the north line of Sierra Hills Addition to serve Sierra Hills Addition (north of Pawnee, south of Mt. Vernon) (472-83964/765864/490975) Provide at least one lane of traffic with a flag person. (District II)

Cornejo & Sons Construction - \$150,131.10

Traffic Signalization at the intersection of Woodlawn and the major entrance to Lot 1, Block 1, Northeast Elementary School Addition, and the major entrance to Lot 1, Block 1, Hinkle's Addition to serve Northeast Elementary School Addition and Hinkle's Addition (south of 29th Street North along Woodlawn) (472-84047/765882/490993) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Cornejo & Sons Construction - \$160,407.25.00

A northbound left turn lane on Woodlawn into Ironhorse Street to serve Ironhorse at Oxford Addition (south of 29th Street North along Woodlawn) (472-83708/765881/490992) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Cornejo & Sons Construction - \$24,875.75

Water Distribution System to serve Reed's Cove 3rd Addition (south of 21st Street North, east of 127th Street East) (448-89956/735196/470866) Does not affect existing traffic. (District II)

Mies Construction - \$54,747.80

Storm Water Drain #229 to serve Fawn Grove at Sunset Lakes Addition (south of Turnpike, west of Greenwich) (468-83798/751367/485258) Does not affect existing traffic. (District II)

Jayhawk Contractors - \$285,148.00

Lateral 2, Main 12 Four Mile Creek Sewer to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East) (468-83511/744053/480741) Does not affect existing traffic. (District II)

McCullough Excavation - \$74,750.00

Water Distribution System to serve Avalon Park Addition (37th Street North from Tyler to Ridge Road) (448-89914/735176/470846) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Engineer's Construction Estimate - \$401,464.25

Storm Water Drain #232 to serve Fox Ridge Addition (north of 29th Street North, east of Maize) (468-83813/751369/485260) Does not affect existing traffic. (District II)

Jayhawk Contractors - \$312,550.00

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On motion the Board recommended that the contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate.

Motion--

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

VARIOUS DEPT., AGENCIES & BOARDS: Blue Prints, Direct Lines, Sepias, Etc.

City Blue Print - \$73,122.05 (Group 1 total net bid)

HOUSING DEPARTMENT/NEIGHBORHOOD IMPROVEMENTS SERVICES DIVISION: Exterior Paint Neighborhood Improvement.

Diamond Vogel Paints - \$59,932.50 (Group 1 total net bid)

HUMAN SERVICES DEPT/WICHITA HOUSING AUTHORITY DIVISION: HVAC Equipment.

AMSCO Supply - \$13,038.00 (Group 1 total net bid)

WATER AND SEWER DEPT/SEWAGE TREATMENT DIVISION: Universal Controller and LDO Probe.

HACH Company - \$21,930.00 (Group 1 total net bid)

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Furnish & install Basketball Goals.

ATHCO L.L.C. - \$30,143.00 (Group 1 total net bid)

WATER & SEWER DEPT./CUSTOMER SERVICE DIVISION: Residential Meter & AMR Installation.

Mountain States Pipe & Supply Co. - \$76,000.00 (Group 1 total net bid)

AIRPORT/ENGINEERING: 2004 Roof Replacement Program.

Vincent Roofing Inc. - \$105,356.00 (Group 1 total net bid)

FINANCE IT/IS: New Fully Configured HP Servers.

Alexander Open Systems - \$33,514.74 (Group 1 total net bid)

Motion --

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

PARKS & RECREATION DEPT./PARK MAINTENANCE DIVISION: Rubber Tired Slope Mowing Tractor.

Turf Technology - \$31,751.80 (Group 1 total net bid)

POLICE DEPT: Police Boots and Shoes.

Baysinger Police Supply - \$87,280.00 (Group 1 total net bid)

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FINANCE/IT IS: Software for eCyborg Project.

Software Spectrum - \$20,806.20*

*Purchases Utilizing Government Entities Contract Cooperative Contracts and Agreements Ordinance No. 38-122 Section 2.64.020 (j)

WATER & SEWER/PRODUCTION & PUMPING: Circular Clarifier Drive Rebuild of Envirex.

US Filter/Envirex - \$10,789.45*

*Purchases Utilizing Sole Source of Supply Ordinance No. 38-122, Section 2.64.020 (b)

AIRPORT/AIRPORT OPERATIONS: Rebuild parts for the Airport Terminal Building Baggage Conveyer #1.

Glidepath LLC - \$22,271.00*

*Purchases Utilizing Sole Source of Supply Ordinance No. 38-122 Section 2.64.020 (b)

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

New Operator	2004	(Consumption off Premises)
Eli J. Wirtz	Casey's General Store #1860	5562 Seneca Street
James D. Brown	Conoco Convenience Mart #600	433 South Greenwich

Motion--carried
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

COST STATEMENTS STATEMENTS OF COST:

a) (Third Partial) Estimate of Cost for improving Kellogg/Tyler Freeway - \$50,488,825; less financing previously issued - \$32,488,825. Financing to be issued at this time - \$18,000,000. (700906/400-200).

b) (Third Partial) Estimate of Cost for improving Kellogg/Woodlawn Freeway - \$26,661,175; less financing previously issued - \$8,661,175. Financing to be issued at this time - \$18,000,000. (700773/401-212).

Motion--carried

Mayans moved that the Statements of Cost be received and filed. Motion carried 7 to 0.

WATER LINES

WATER SUPPLY LINES ALONG 13TH STREET BETWEEN 135TH STREET WEST AND 119TH STREET WEST AND ALONG 135TH STREET WEST, BETWEEN CENTRAL AND 13TH STREET. (DISTRICT V)

Agenda Report No. 04-0637

On December 10, 2002, the City Council approved Petitions for water supply lines along 13th, between 135th Street West and 119th Street West, and along 135th Street West, between Central and 13th. The developers have submitted new Petitions to reallocate special assessments within the improvement districts. The signatures on the new Petitions represent 100% of the improvement districts.

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These projects serve new residential developments located along 135th Street West, between Central and 13th.

The project budgets are unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

WATER DISTRIB. WATER DISTRIBUTION SYSTEM TO SERVE AN AREA ALONG 37TH STREET NORTH, BETWEEN TYLER AND RIDGE. (DISTRICT V)

Agenda Report No. 04-0638

On February 10, 2004, the City Council approved a Petition to construct a water distribution system to serve an area along 37th Street North, between Tyler and Ridge. An attempt to award a contract within the budget set by the petition was not successful. The developers have submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

The project will serve new residential and commercial developments located along 37th Street North, between Tyler and Ridge.

The existing Petition totals \$337,000, with \$251,000 assessed to the improvement district and \$86,000 paid by the Water Utility. The new Petition totals \$470,000 with \$350,000 assessed to the improvement district and \$120,000 paid by the Water Utility. The Utility share is for the cost of over-sizing the pipe to serve future development outside the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

STREET CLOSURE PARTIAL STREET CLOSURE: K-15 FROM I-35 TO I-135. (DISTRICT III)

Agenda Report No. 04-0639

Cornejo & Sons, Inc. has contracted to accomplish pavement-widening, reconstruction and overlay on K-15 from approximately 0.75 miles south of 31st Street South to approximately 0.25 miles north of 31st Street South. Work is expected to begin approximately on June 28th and be completed on or before September 4, 2004. K-15 traffic will be restricted to one lane each direction during the construction.

Cornejo & Sons, Inc. is responsible for the placement of required construction signs and barricades and notification of area businesses and residents.

Motion--carried Mayans moved that the partial street closure be approved. Motion carried 7 to 0.

FAWN GROVE CONSTRUCTION ENGINEERING AND STAKING IN FAWN GROVE AT SUNSET LAKES SOUTH, SOUTH OF KELLOGG, WEST OF GREENWICH. (DISTRICT II) – SUPPLEMENTAL.

Agenda Report No. 04-0640

The City Council approved the water distribution system, sanitary sewer, storm water sewer and paving improvements in Fawn Grove at Sunset Lakes on April 6, 2004. On May 18, 2004, the City approved

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an Agreement with Ruggles & Bohm, P.A. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction-engineering services if requested by the City.

The proposed Supplemental Agreement between the City and R&B provides for construction engineering and staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment to R&B will be on a lump sum basis of \$73,995, and will be paid by special assessments.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

WEST LEARJET

WEST LEARJET WAY IMPROVEMENTS, EAST OF TYLER. (DISTRICTS IV AND V) – SUPPLEMENTAL

Agenda Report No. 04-0641

On November 4, 2003, the City entered into an Agreement with Poe & Associates of Kansas, Inc. for designing improvements West Learjet Way, east of Tyler. The fee was \$21,880.

The initial scope of services included plans to improve the drainage canal located on the south side of West Learjet Way, but excluded any work on existing pipe in this canal that are cross road culverts for the drive entrances south of Learjet Way. Poe has been requested to establish a new grade line for the canal to improve the canal drainage, and reset the existing pipe culverts to match the new canal grade line. The proposed Supplemental Agreement between the City and Poe provides for additional design services.

Payment will be on a lump sum basis of \$5,280 and will be paid by General Obligation Bonds.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

WATERWALK

WATERWALK REDEVELOPMENT PROJECT, MEMORANDUM OF AGREEMENT WITH STATE HISTORIC PRESERVATION OFFICE.

Agenda Report No. 04-0642

As part of the funding for the WaterWalk Redevelopment Project, the City intends to submit an application to the Economic Development Administration. As a result, an environmental review of the project area was conducted, which caused the City's Historic Preservation Office to submit an inventory of structures within the project area to the State Historic Preservation Office (SHPO). The SHPO identified structures that are potentially eligible for listing in the National Register, and requested that a Section 106 Review be conducted.

The Section 106 Review evaluated the proposed project's impact upon the structures eligible for listing, and evaluated if there are any alternatives or options to the proposed project, and if not, are there ways to memorialize the structures and their historic context. A public hearing was held on April 5, 2004, to consider all options to avoid demolition or to minimize damage to the buildings. The City considered all options presented, and found no feasible method of incorporating the structures within the WaterWalk Redevelopment Project.

As it was found that there is not a means to incorporate the structures into the project, the City and the SHPO have developed a Memorandum of Agreement that outlines the mitigation efforts that will be

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taken to preserve the buildings historic context. The mitigation efforts includes a comprehensive historic context report to be written for the Area of Potential Effect bounded by West Douglas on the north, South Main Street on the east, West Kellogg on the south and the Arkansas River on the west; and an interpretive exhibit will be created with storyboards and historic photographs which will be exhibited within the project area in a public space.

A consultant, meeting the Secretary of Interior's Preservation Planner Qualifications Standards, will need to be hired to implement the mitigation activities outlined in the Memorandum of Agreement. The cost to hire the consultant and to develop the mitigation products is provided in the current project budget.

The Memorandum of Agreement has been drafted in accordance with stipulations set forth in 36 CFR 800 and has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Mayor be authorized to sign the Memorandum of Agreement. Motion carried 7 to 0.

REED'S COVE ADD. DESIGN SERVICES AGREEMENT FOR REED'S COVE ADDITION, SOUTH OF 21ST STREET, EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 04-0643

The City Council approved the water distribution system, sanitary sewer and paving improvements in Reed's Cove Addition on May 6, 2003.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer and paving in Reed's Cove Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$28,475, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

37TH ST. N. IMPROV. DESIGN SERVICES AGREEMENT FOR 37TH STREET NORTH IMPROVEMENTS, BETWEEN TYLER AND RIDGE. (DISTRICT V)

Agenda Report No. 04-0644

The City Council approved the paving, bridge, drainage and water improvements for 37th Street North, between Tyler and Ridge on February 10, 2004.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of paving 37th Street North, between Tyler and Ridge. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the adjacent subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$173,000 and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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HAWTHORNE

DESIGN SERVICES AGREEMENT FOR HAWTHORNE ADDITION, NORTH OF 21ST STREET, EAST OF 127TH STREET. (DISTRICT IV)

Agenda Report No. 04-0645

The City Council approved the water distribution system, sanitary sewer and paving improvements in Hawthorne Addition on June 17, 2003.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer and paving in Hawthorne Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$17,100, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

UNSAFE STRUCT.

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 04-0646

On June 7, 2004 the Board of Code Standards (BCSA) held a hearing on the following two (2) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

<u>Property Address</u>	<u>Council District</u>
a. 2560 South Roosevelt	III
b. 2361 North Poplar	I

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--
--carried

Mayans moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on August 17, 2004 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 7 to 0.

MANAGEMNT EXP.

SENIOR MANAGEMENT EXPENSES FOR MAY 2004.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

FOREST LAKES ADD.

AMENDING RESOLUTION: STORM WATER DRAIN TO SERVE FOREST LAKES ADDITION, NORTH OF 29TH STREET NORTH, WEST OF RIDGE. (DISTRICT V)

Agenda Report No. 04-0647

On April 6, 1993, the City Council approved a petition to build a storm water drain in Forest Lakes Addition, a new residential development located north of 29th Street North, west of Ridge. One of the lots in the improvement district was subsequently converted to street right-of-way and should not be subject to special assessments.

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An amending Resolution has been prepared to remove the lot from the improvement district.

The project budget is unchanged.

State Statutes provide authority for the City Council to modify the allocation of special assessments within an improvement district.

Motion--carried

Mayans moved that the Resolution be adopted. Motion carried 7 to 0.

GO BOND/NOTE SALE GENERAL OBLIGATION BOND AND NOTE SALE.

Agenda Report No. 04-0648

The City is planning to offer for sale one series of general obligation temporary notes totaling \$52,300,000 (Series 211), two series of general obligation bonds (Series 778 and 778A) totaling \$12,740,000 for the purpose of providing permanent financing for capital improvement projects of the City, and one series of general obligation sales tax bonds (Series 2004) in the amount of \$36,000,000 to provide financing for freeway capital improvements. The public sale of the bonds and notes is scheduled for 10:30 a.m. on August 3, 2004, at which time sealed bids will be opened and the City Council will award the sale of bonds and notes to the bidders whose proposed interest rates result in the lowest overall cost to the City.

The City's Summer 2004 general obligation bond and note sale includes the following issues:

Temporary Notes

The proceeds from the sale of the Series 211 Temporary Improvement and Renewal Notes will be used to provide interim financing for City-at-large and improvement district projects.

Special Assessment Bonds

The proceeds from the sale of the Series 778 and 778A Bonds will be used to permanently finance neighborhood improvements located in special improvement districts. Special assessments have been levied against the property owners in the improvement districts for the purpose of paying all or a portion of the costs of such improvements, including the payment of principal and interest on Series 778 Bonds. The Special Assessment Bonds, Series 778, will be issued in the par amount of \$12,175,000. The Special Assessment Bonds, Series 778A, will be issued in the par amount of \$565,000.

Sales Tax Bonds

The proceeds from the sale of the Series 2004 Sales Tax Bonds will be used to permanently finance City-at-large freeway improvement projects, including the Kellogg/Woodlawn and Kellogg/Tyler Interchanges. A feasibility study was performed to ensure that the debt service coverage ratio is sufficient to cover additional debt with one-half of the City's one percent local option sales tax revenue currently in place. The Series 2004 Sales Tax Bonds will be issued in the par amount of \$36,000,000.

Beginning in 2001, the sale of bonds and notes has been awarded based on the bid with the lowest true interest cost, or "TIC". Using TIC to calculate the bids, accounts for the time value of money. The TIC is the rate that will discount all future cash payments so that the sum of their present value will equal the bond proceeds. Further, using the TIC calculation can potentially result in the City saving money because TIC does not ignore the timing of interest payments.

The Series 211 Temporary Notes will mature on February 17, 2005 and will be retired using the proceeds of both permanent financing bonds and renewal notes.

The Series 778 Special Assessment Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The Series 778 Bonds are payable from the collection of special assessments levied against benefiting properties, and if not so paid, from citywide ad valorem taxes. The Series 778 Special Assessment bonds will be callable in 2011 with a 1% call premium.

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The Series 778A Special Assessment Bonds will mature serially over 20 years with principal maturities structured to produce level annual payments of principal and interest. The Series 778A Bonds are payable from the collection of special assessments levied against benefiting properties, and if not so paid, from citywide ad valorem taxes. The Series 778A Special Assessment bonds will be callable in 2014 with a 1% call premium.

The Series 2004 Sales Tax Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The debt service will be paid from the portion of the City's one percent local option sales tax that is dedicated by law to paying the costs of street and road improvements. The Series 2004 Sales Tax Bonds will be callable in 2011 with a 1% call premium.

The Law Department has approved the Resolutions authorizing the sale of the series of bonds and notes and will direct the publication and distribution of the Notices of Bond and Note Sale (prepared by the City's Bond Counsel as required by law).

Motion--

Mayans moved that the resolutions authorizing general obligation bond and note sales and subsequent pledge of sales tax revenue for the Series 2004 Sales Tax Bonds be adopted; the submittal of the Preliminary Official Statement upon completion be approved and the publication of the Notices of Sale be authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 04-335

A Resolution of the City of Wichita, Kansas, authorizing and providing for the public sale of General Obligation Renewal and Improvement Temporary Notes Series 211 and General Obligation Bonds, Series 778 and Series 778A, and General Obligation Sales Tax Bonds, Series 2004 of the City; and providing for the giving of notice of the public sale; presented; Mayans moved that the Resolution be adopted. Motion carried 7 to 0: Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-336

A Resolution of the City of Wichita, Kansas, declaring it to be necessary to issue General Obligation Bonds for the purpose of paying the costs of constructing roads, highways and bridges in the City, and to pledge sales tax revenues for the payment of such General Obligation bonds, as provided by K.S.A. 12-195B; and providing for the giving of notice thereof in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0: Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ANTENNA SITE

LEASING OF ANTENNA SITE ON WATER TOWER AT 3901 EAST 18TH STREET TO SPRINT PCS. (DISTRICT I)

Agenda Report No. No. 04-0649

Sprint PCS has approached the City about placing a repeater antenna array on the City's water tower at 3901 East 18th Street. The site is located in the southern portion of the Wichita State campus. The Water Department has agreed to allow the installation. The lessee is responsible for obtaining the appropriate approvals and conditional use permits to allow the facility to be built.

The lease agreement provides for a five-year term with four five-year options. Annual base rental is \$9,600 per year with a 15% increase during each option period. If the facility is expanded to a full site, the base rent is increased to an amount to be agreed upon by the City and Sprint PCS. The lessee agrees not to interfere with the public purpose of the area and to make sure the leased area is secure. The lessee is responsible for any personal or real property taxes associated with the facility.

The City will receive rent revenues as described above. The lessee shall be responsible for all costs of installation, operation and maintenance of the facility and the leased land upon which it is constructed.

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The Law Department has approved the lease as to form.

Motion--
--carried

Mayans moved that the lease be approved and the necessary signatures authorized. Motion carried 7 to 0.

PMI

CONVEYANCE OF PORTION OF LAND-PRESBYTERIAN MANORS, INC.

Agenda Report No. 04-0650

On May 4, 2004, the City Council approved the issuance of Health Care Facilities Refunding Revenue Bonds in the amount of \$24,000,000 to Presbyterian Manors, Inc. ("PMI") for the purpose of refinancing and restructuring of debt at several of its health care facilities located throughout the state of Kansas. A small portion of the bonds will be used to construct improvements for certain PMI facilities in Kansas. On June 2, 2004, the City of Wichita received notice from Presbyterian Manors, Inc. of its intention to exercise its option to release portions of unimproved land at its Emporia Facility.

Pursuant to the terms of Article XIII of the Lease, Presbyterian Manor has notified the City of its intent to exercise its options to release certain portions of unimproved land, which constitutes a portion of the Emporia Facility and to make a technical correction with respect to the legal description of the Emporia Facility. The City has been advised by Bond Counsel that PMI has the right to obtain release of this property without payment.

There is no financial impact to the City resulting from the requested change.

Motion--

--carried

Mayans moved that the Resolution authorizing the Special Warranty Deed and execution and delivery of a partial release of Lease for the purpose of releasing the Unimproved Land from the Lease and effecting a technical correction of the legal description of the Emporia Facility be approved and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-334

A Resolution of the City of Wichita, Kansas, authorizing the city to convey title to certain portions of unimproved land; authorizing execution of a special warranty deed; authorizing a partial release of lease to effect the release of said portions of unimproved land and a technical correction of the legal description of the leased property; and authorizing the execution of all such other documents necessary to convey title to said unimproved land to Presbyterian Manors, Inc. presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0: Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SETTLEMENT

SETTLEMENT OF LITIGATION – DEEM V. CITY OF WICHITA.

Agenda Report No. 04-0651

This lawsuit, Sheryl Y. Deem v. City of Wichita and Water-Rite Lawn Sprinkler Systems, Inc., results from a serious knee injury from a fall on City property at 400 West Waterman. Plaintiff alleged her injury was caused by a sprinkler head installed at an intersection of pedestrian sidewalks was located too close to the crossing sidewalks and sat too high off of surface grade.

After investigating the claim, evaluating the extent of the claimed damages, and considering the risks of trial, the City determined that a resolution of this matter was appropriate. After some discussion, the City has been offered an opportunity to resolve the claim with a lump sum payment of \$24,000 as settlement of the claims against the City arising out of this event. Co-defendant Water-Rite Lawn Sprinkler Systems would make a separate contribution. Settlement would include a full release of the City. Because of the risks associated with litigation, the Law Department recommends acceptance of the offer.

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Funding for this settlement payment is from the Tort Claims Fund.

Motion-- Mayans moved that the payment of \$24,000 as a full settlement of all possible claims against the City of Wichita arising out of the transactions, which are the subject of the lawsuit be approved. Motion
--carried carried 7 to 0.

ROSS CLAIM

SETTLEMENT OF LITIGATION – ROSS V. CITY OF WICHITA.

Agenda Report No 04-0652

The plaintiff fell when she stepped into a water meter installation in a residential neighborhood and sustained injuries to her right ankle.

It is likely that a trial of this matter will result in a finding that the City was negligent in maintaining this water meter installation at the lowered level that existed when the plaintiff injured herself. While it is also likely that the plaintiff will be found to have failed to exercise appropriate caution in stepping into this hole, it is almost certain that her fault will not preclude recovery. The plaintiff has offered to settle her claim for payment of \$37,500.

The cost of this settlement will be paid from the City's tort claims fund and ultimately will be allocated to the Water and Sewer Utility.

Motion-- Mayans moved that a settlement payment in this case in the amount of \$37,500 be approved.
--carried Motion carried 7 to 0.

MAGDALEN SCHOOL LEASE OF MAGDALEN SCHOOL 6355 WILLOWBROOK. (DISTRICT II)

Agenda Report No. 04-0653

In 1999, the City acquired the former Church of the Magdalen church and school site for the expansion of Kellogg Avenue. The church structure has been demolished. The school is located beyond the construction boundaries and has been retained. The school is a single story, brick facility with 55,110 square feet. With the exception of the gym, the facility has been vacant and unused since the Church of the Magdalen relocated in the summer of 2002. During this period, maintenance problems such as minor roof leaks have occurred. While these are dealt with when found, the lack of occupancy in the majority of the structure has made identifying issues difficult. The facility was considered as a mini-City Hall site but was rejected. There are no current plans for the facility and it has not been marketed. Holy Savior Academy plans on renovating and expanding their existing facility and is seeking a temporary facility during the construction. They have requested that they be allowed to utilize the Magdalen school facility.

Holy Savior would occupy the school through the end of the 2006-2007 school year. During their occupancy they will not pay any rent but will be responsible for grounds maintenance, cleaning, minor maintenance, utility costs attributable to their occupancy, security, liability insurance and other operating costs. The City will remain responsible for major repair items. The Kellogg-Woodlawn intersection project is currently under construction adjacent to the site. This project is scheduled to continue into 2006. Until the construction is complete, access to the property will be impacted, making marketing difficult. Having a tenant in occupancy during the interim period will allow for the identification and correction of maintenance issues prior to future use or marketing.

The City will be relieved of most operating costs the facility.

Motion-- Mayans moved that the Lease Agreement be approved and the necessary signatures authorized.
--carried Motion carried 7 to 0.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JUNE 15, 2004)

- a) Amendment to Theft Ordinances.

ORDINANCE NO. 46-195

An Ordinance pertaining to theft, amending Sections 5.42.010 and 5.42.070 of the Code of the City of Wichita; and repealing the originals of said sections, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) Nuisance Abatement Assessments.

ORDINANCE NO. 46-196

1. An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE NO. 46-197

2. An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provisions of Section 7.40.050 of the Code of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- c) ZON2004-21 - generally located approximately 760 feet south of the Maple Street, 135th Street West Intersection on the East Side of 135th Street West. (District V)

ORDINANCE NO. 46-198

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON 2004-21

- d) ZON 2003-57 - east of Oliver, north of 21st Street North. (District I)

ORDINANCE NO. 46-199

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON 2003-57

- e) A04-17 - generally located northwest of the 135th Street West and 13th Street North.

ORDINANCE NO. 46-200

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (A04-17)

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f) A04-18 - generally located northeast of the intersection of 119th and Pawnee Road.

ORDINANCE NO. 46-201

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (A04-18)

Motion--carried Mayans moved that the Regular Meeting be adjourned. Motion carried 7 to 0.

Adjournment The City Council meeting adjourned at 9:42 A.M.

Workshop to follow

RECESS Mayans moved that the City Council Recess into Executive Session to consider: Consultation with legal counsel on matters privileged in the Attorney-Client Relationship relating to: pending litigation, potential litigation, legal advice, preliminary discussions relating to the acquisition of real property for public purposes, and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 1:10 p.m. and reconvene in the President's Dining Room of the Casado Center of Friends University. Motion carried 6 to 0, Brewer absent.

RECONVENE The Council reconvened at 1:10 p.m. in the President's Dining Room of the Casado Center of Friends University.

Motion--carried Mayor Mayans moved that the Executive Session be extended until 1:25 p.m. Motion carried 7 to 0.

RECONVENE The Council reconvened at 1:25 p.m. in the President's Dining Room of the Casado Center of Friends University.

Motion--carried Mayans moved to adjourn the Executive Session. Motion carried 7 to 0.

Karen Sublett
City Clerk